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Congress of the United States
House of Representatives
Washington, DC 20515-2504

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The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Administrator Jackson:


On May 13, 2010, the U.S. Environmental Protection Agency (EPA) issued a final rule that outlines its plans to regulate greenhouse gas emissions from stationary sources under Clean Air Act permitting programs. The Agency "tailored" its rule in an attempt to limit the number of facilities to be covered by its New Source Review Prevention of Significant Deterioration (PSD) and title V Operating Permit programs for new and existing stationary facilities. While I appreciate that the Agency has proposed to reduce the scope of its regulations, I continue to question its authority to proceed with any sort of regulation given Congress has not authorized it to do so.

The Clean Air Act was passed by Congress and signed into law many years ago. Though it has been amended through the years, neither the original law nor its amendments reference an authorization by Congress to regulate greenhouse gas emissions. Because this authorization never occurred, it is impossible for EPA to predict the "intent of Congress" regarding the regulation of greenhouse gas emissions. Yet, within the final rule released by EPA on May 13, 2010, there are multiple references to Congressional intent. I find these references to be extremely troubling.

Truth be told, EPA is making assumptions about Congressional intent that do not exist. The assumptions being made by the Agency with respect to which stationary sources qualify for regulation are based on guesses. There is simply a great deal of uncertainty surrounding this whole process, which is why many of the people I represent, including business owners

and farmers, wonder how EPA's assumptions will stand up in federal court. We wonder, too, that despite EPA's pledge to limit the scope of its regulations, small businesses and farms might one day be wrapped into onerous and expensive PSD and title V permitting requirements.

I have said for some time that unelected bureaucrats should not be writing America's energy laws. Legislating is the role of the American people through their elected representatives in Congress. Many people in rural Missouri and I do not agree with EPA's moving forward to regulate greenhouse gas emissions without the explicit consent of the United States Congress. That is why I will work with my Congressional colleagues in a bipartisan way to pre-empt the Agency from proceeding with this misguided action.

Very truly yours,

IKE SKELTON
Member of Congress

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